THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17272 OF 2007

Dated 13-08-2007

Between:

M/s Jasti Venkateswara Rao …Petitioner

And

The Commercial Tax Officer and
Five others …Respondents

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THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17272 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The petitioner is aggrieved of a garnishee notice issued on 16-07-2007, on the ground that his appeals are pending before the Tribunal and applications for grant of stay are also pending before the third respondent. Neither the appeals nor the applications for stay have been decided so far, but the respondents are proceeding with the recovery.

We feel that the interest of justice would be met if the recourse to recovery is stayed till the disposal of the appeals subject to payment of 50% of the liability. The Writ Petition is accordingly disposed of directing that there shall be stay of recovery till the disposal of the appeals subject to payment of 50% of the liability by the petitioner within a period of four weeks from today. The amounts already paid by the petitioner towards the liability shall be given credit to. The garnishee notice is accordingly quashed. However, if the amounts are not deposited within the period of four weeks as stipulated hereinabove, the Department shall be at liberty to take recourse to

law. No order as to costs.

(Bilal Nazki,J)

Dated 13th August, 2007

(Nooty Ramamohana Rao,J)

Note: Issue wire at party's cost

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